

UNITED STATES DISTRICT COURT
FOR THE **FILED**
EASTERN DISTRICT OF CALIFORNIA

08 MAY -1 PM 3:36
OFFICE OF THE CLERK

501 "I" Street
Sacramento, CA 95814
RICHARD W. WILKING
SECOND U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

E-filing

USDC – Northern District of CA
Clerk's Office
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

CV 08

2277

MHP

(PR)

RE: **LESLIE HOOD III vs. CALIFORNIA DEPARTMENT OF CORRECTIONS**
USDC No.: **2:08-CV-00783-MCE-GGH**

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated April 28, 2008, transmitted herewith are the following documents.

Electronic Documents: 1 to 4.

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

April 28, 2008

/s/ M. Marciel

Deputy Clerk

RECEIVED BY:

Please Print Name

DATE RECEIVED:

NEW CASE
NUMBER:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE HOOD III,

Petitioner,

No. CIV S-08-0783 MCE GGH P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS,

Respondent.

ORDER

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.

ATTEST: **VICTORIA C. MINOR**

Clerk, U. S. District Court
Eastern District of California

By

Deputy Clerk

Dated

April 28, 2008

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹

Petitioner was incarcerated in Monterey County Jail when he filed this petition, and shortly thereafter was transferred to San Quentin State Prison,² and he is alleging due process violations regarding a parole revocation hearing held by the Monterey County Region 2 Parole Board located within the Northern District of California; petitioner's underlying conviction occurred in the Fresno Division of the Eastern District of California.

¹ Petitioner failed to pay the filing fee or to submit a request to proceed in forma pauperis.

² San Quentin State Prison is in Marin County, also located in the Northern District.

1 It is established that a petitioner for habeas corpus relief under 28 U.S.C. § 2254
 2 must name “the state officer having custody of him or her as the respondent to the petition.”
 3 Stanley v. Cal. Supreme Court, 21 F.3d 359, 360 (9th Cir.1994). The U.S. Supreme Court
 4 recently reiterated that with certain infrequent exceptions not applicable here:

5 The federal habeas statute straightforwardly provides that the
 6 proper respondent to a habeas petition is “the person who has
 7 custody over [the petitioner].” 28 U.S.C. § 2242; see also § 2243
 8 (“The writ, or order to show cause shall be directed to the person
 9 having custody of the person detained”). The consistent use of the
 10 definite article in reference to the custodian indicates that there is
 11 generally only one proper respondent to a given prisoner’s habeas
 12 petition. This custodian, moreover, is “the person” with the ability
 13 to produce the prisoner’s body before the habeas court. *Ibid.* We
 14 summed up the plain language of the habeas statute over 100 years
 15 ago in this way: “[T]hese provisions contemplate a proceeding
 16 against some person who has the immediate custody of the party
 17 detained, with the power to produce the body of such party before
 18 the court or judge, that he may be liberated if no sufficient reason
 19 is shown to the contrary.” *Wales v. Whitney*, 114 U.S. 564, 574, 5
 S.Ct. 1050, 29 L.Ed. 277 (1885) (emphasis added); see also *Braden*
 v. *30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 494-495, 93
 S.Ct. 1123, 35 L.Ed.2d 443 (1973) (“The writ of habeas corpus”
 acts upon “the person who holds [the detainee] in what is alleged
 to be unlawful custody,” citing *Wales*, supra, at 574, 5 S.Ct. 1050);
Braden, supra, at 495, 93 S.Ct. 1123 (“[T]his writ ... is directed to
 ... [the] jailer,”” quoting *In the Matter of Jackson*, 15 Mich. 417,
 439- 440 (1867)). In accord with the statutory language and
Wales’ immediate custodian rule, longstanding practice confirms
 that in habeas challenges to present physical confinement—“core
 challenges”—the default rule is that the proper respondent is the
 warden of the facility where the prisoner is being held, *not the*
Attorney General or some other remote supervisory official.

20 Rumsfeld v. Padilla, 542 U.S. 426, 434-435, 124 S.Ct. 2711, 2717-2718 (2004) (emphasis
 21 added) (refusing to recognize the Secretary of Defense as the custodian of military detainees, and
 22 finding that the commander of the brig where Padilla was being held is the proper custodian).

23 See also Brittingham v. United States, 982 F.2d 378, 379 (9th Cir. 1992) (“A
 24 custodian ‘is the person having a day-to-day control over the prisoner. That person is the only
 25 one who can produce ‘the body’ of the petitioner.” Guerra v. Meese, 786 F.2d 414, 416
 26 (D.C.Cir.1986) (Parole Commission is not custodian despite its power to release petitioner). But

1 see Ortiz-Zandoval v. Gomez, 81 F.3d 891 (9th Cir. 1996) permitting the head of California
2 Corrections to be the proper custodian, but this case is in doubt after Padilla which held that a
3 remote supervisory official was not to be the custodian).

4 Thus, the proper custodian is the warden or sheriff in charge of the facility where
5 the prisoner is confined.

6 Any warden or sheriff in California is amenable to personal jurisdiction in the
7 Eastern District in cases alleging that the BPH improperly revoked parole because personal
8 jurisdiction is a state-wide, not individual district, concept. However, venue concepts are
9 oriented to individual districts. In habeas corpus cases, venue is proper: (1) in the district of
10 confinement, or (2) in the district of "conviction and sentencing." 28 U.S.C. § 2241(d). Because
11 it is difficult to stretch "conviction and sentencing" into a decision revoking parole, only the first
12 venue option is appropriate. Moreover, since prisoners are not normally transferred about for
13 parole eligibility or revocation hearings, the district of confinement would normally be the
14 district of "conviction and sentencing" anyway even if that rubric were utilized in the parole
15 eligibility setting.³

16 Thus, the court should not maintain this parole revocation case in this district.⁴

17 \\\

18
19 ³ If the literal interpretation of "conviction and sentencing" were to be employed, i.e., the
20 district where petitioner suffered his underlying conviction, maintaining the action in that place in
21 parole suitability situations would not be as appropriate as having it in the place of confinement.
22 First, in the logistical sense, the issue of parole suitability has little to do with the place of conviction
23 – the court will not be concerned with the ease of mustering witnesses and evidence. Secondly, even
24 though the local government officials at the place of conviction may retain an interest in having
25 parole denied, habeas cases are handled by the state Attorney General's Office, and local officials
26 are not involved in the federal court litigation regarding review of the parole eligibility decision. The
issues involved in the federal court review will not center about the opinions of local officials, and
even if it did, those opinions will be of record already.

⁴ The opposite policy is in effect for the "usual" habeas cases involving attack upon a
conviction or sentence. In those cases there is an advantage to transferring to the district of
conviction because evidence and witnesses for any evidentiary hearing are more likely to be located
there. The California federal district courts have long employed a blanket transfer policy to the
district of conviction for "conviction" habeas cases.

1 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this
2 matter is transferred to the United States District Court for the Northern District of California.
3 28 U.S.C. § 2241(d).

4 DATED: 04/28/08

/s/ Gregory G. Hollows

5
6 GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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8 hood0783.tris
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CLOSED, HABEAS

U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:08-cv-00783-MCE-GGH
Internal Use Only

(HC) Hood v. California Department of Corrections
Assigned to: Judge Morrison C. England, Jr
Referred to: Magistrate Judge Gregory G. Hollows
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 04/03/2008
Date Terminated: 04/28/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner**Leslie Hood, III**represented by **Leslie Hood, III**

F-88832
SAN QUENTIN STATE PRISON (SQ-2)
SAN QUENTIN, CA 94974
PRO SE

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.









ATTEST: VICTORIA C. MINOR

Clerk, U. S. District Court
Eastern District of California

By  Deputy ClerkDated April 28, 2008

V.

Respondent**California Department of Corrections**

Date Filed	#	Docket Text
04/03/2008	 <u>1</u>	PETITION for WRIT of HABEAS CORPUS by Leslie Hood, III. (Engbretson, K.) (Entered: 04/15/2008)
04/15/2008	 <u>2</u>	PRISONER NEW CASE DOCUMENTS ISSUED; (Attachments: # <u>1</u> Consent Forms) (Engbretson, K.) (Entered: 04/15/2008)
04/15/2008		SERVICE BY MAIL: <u>2</u> Prisoner New Case Documents served on Leslie Hood, III. (Engbretson, K.) (Entered: 04/15/2008)
04/18/2008	 <u>3</u>	NOTICE of CHANGE of ADDRESS to SQSP by Leslie Hood, III. (Reader, L.) (Entered: 04/21/2008)
04/23/2008		RE-SERVICE BY MAIL: <u>2</u> Prisoner New Case Documents for MCE served on Leslie Hood III at new address. (Plummer, M) (Entered: 04/23/2008)
04/28/2008	 <u>4</u>	ORDER TRANSFERRING CASE to USDC - Northern District of CA signed by Magistrate Judge Gregory G. Hollows on 4/28/08. Original electronic file, certified copy of transfer order, and docket sheet sent. CASE CLOSED (Marciel, M) (Entered: 04/28/2008)
04/28/2008		SERVICE BY MAIL: 4 Order transferring action to USDC - Northern District of CA served on petitioner Leslie Hood III. (Marciel, M) (Entered: 04/28/2008)
04/28/2008	 <u>5</u>	TRANSMITTAL of DOCUMENTS: pursuant to <u>4</u> Order Tranferring Case to USDC - Northern District of CA on *4/28/2008* to * USDC - Northern District of CA* *Clerk's Office* *450 Golden Gate Avenue, 16th Floor* *San Francisco, CA 94102*. *Electronic Documents: 1 to 4. *. (Marciel, M) (Entered: 04/28/2008)

MIME-Version:1.0
From:caed_cmecf_helpdesk@caed.uscourts.gov
To:caed_cmecf_nef@localhost.localdomain
Bcc:caed_cmecf_ggh@caed.uscourts.gov, caed_cmecf_mce@caed.uscourts.gov
Message-Id:<2265907@caed.uscourts.gov>
Subject:Activity in Case 2:08-cv-00783-MCE-GGH (HC) Hood v. California Department of Corrections Order
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** There is no charge for viewing opinions.**

U.S. District Court

Eastern District of California - Live System

Notice of Electronic Filing

The following transaction was entered on 4/28/2008 at 2:14 PM PDT and filed on 4/28/2008

Case Name: (HC) Hood v. California Department of Corrections

Case Number: 2:08-cv-783

Filer:

WARNING: CASE CLOSED on 04/28/2008

Document Number: 4

Docket Text:

ORDER TRANSFERRING CASE to USDC - Northern District of CA signed by Magistrate Judge Gregory G. Hollows on 4/28/08. Original electronic file, certified copy of transfer order, and docket sheet sent. CASE CLOSED (Marciel, M)

2:08-cv-783 Electronically filed documents will be served electronically to:

2:08-cv-783 Electronically filed documents must be served conventionally by the filer to:

Leslie Hood, III
F-88832
SAN QUENTIN STATE PRISON (SQ-2)
SAN QUENTIN, CA 94974

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1064943537 [Date=4/28/2008] [FileNumber=2265905-0]
][8f8cb19e4745346e9c429226a434d2bb7dd1c2285a35a56266244e5835e5a01a72b
1d373b3111bfe1c29239dab309805c0d68104fd8d217a250abef89c215b17]]

RECEIVED 5
FILED APR - 3 2008
 CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 DEPUTY CLERK

Name Leslie Hood III
 Address Monterey County Corrections
P.O. Box 809
Salinas CA 93902
 (Address Subject to Charge, State Prison California)
 CDC or ID Number F88832 **E-filing**

FILED APR - 3 2008
 CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY MHP
 DEPUTY CLERK

United States District Court of California
Eastern District of California
 (Court)

Leslie Hood III
 Petitioner

vs.

California Department of Corrections
 Respondent

CV 08 2277 (PR)
 PETITION FOR WRIT OF HABEAS CORPUS

No. 08cv 783 MKE ECH (HC)
 (To be supplied by the Clerk of the Court)

INSTRUCTIONS — READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies.
- If you are filing this petition in the California Supreme Court, file the original and thirteen copies.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rules 56.5 and 201(h)(1) of the California Rules of Court (as amended effective January 1, 1999). Subsequent amendments to Rule 44(b) may change the number of copies to be furnished the Supreme Court and Court of Appeal.

6¹ GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Board of Prison Term of the California Department of Corrections Violated my Due Process rights per Jerry Valdivia, et al, V. Arnold Schwarzenegger, et al, pg. 3(iv) Policies, procedures, Forms, and Plans, Paragraph 11 (iv) per a minor Violation of parole without legal Cause.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

I was arrested on February 7th 2008, For Violation of my parole. After being Booked on the date Above, I began Calculating the 35 day Due process period in which I should be brought before the board of prison term of The California Dept. of Correction and was never heard within that 35 day time Frame, And/or period. Instead my Due process rights was Violated by exceeding the initial hearing. I am here by filing this Habeas Corpus Against Monterey County Region 2, Board of prison term. IF at Any place, part, or Section of this writ of Habeas Corpus is inadequately filled out or written incorrectly please excuse my inability to access myself to legal Penal Code books, points, and Authorities obtainable by use of law library. We Are Not allowed use of law library here at Monterey Co. Jail, which is a Form of Suppression and Violation of my Constitutional rights. (Equal protection of the law.)

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

I'm unable to access myself to legal Penal Code books, points, and Authorities obtainable by use of law library. We are Not Allowed use of law Library here at Monterey Co. Jail. Which is a Form of Suppression and Violates my Constitutional rights (Equal Protection of the law.)

7. Ground 2 or Ground _____ (if applicable):

Constitution of the United States, Equal protection of the Law And/OR my Due process Rights.

a. Supporting facts:

I was arrested February 7th 2008 for Violation of Parole, on February 28th I appeared before the board of prison terms and was given 4 mo. Eligible for 3057 Credits, on March 5th 2008 the board of prison terms again came back gave me Supplemental Charges which violated the 13 Business days to serve me with all Charges I was to answer to, "Per" Jerry ValDivia V. Arnold Schwarzenegger at which time I objected to the charges due to my due process rights being violated, the Commissioner over rode my objection and scheduled me a hearing with the board, The hearing was scheduled for March 24th 2008 and again violated my due process rights "per" ValDivia V. Schwarzenegger Paragraph 11, Section "iv", I appeared before the board on March 24th 2008 and raised the issue of my due process rights being violated. The Commissioner denied and over rode my objection to dismiss all Supplemental Charges Based on, "Quote" my file and myself is a threat to Society, and for others property, and "per" Fresno Parole is High Control, A Priority Case and he didn't have to dismiss my charges. "Thus", Violating my due process rights it should be noted I am NOT a priority case, I am NOT high control, and only a threat to myself "Per" Fresno Parole. I do not have a high control parole officer "nor" do I report under high control standards. my hearing was held 46 days after my arrest "Thus" violating my due process rights.

b. Supporting cases, rules, or other authority.

Jerry ValDivia, et al, V. Arnold Schwarzenegger, et al,

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☒ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

NONE

b. Result: NONE

c. Date of decision: NONE

d. Case number or citation of opinion, if known: NONE

e. Issues raised: (1) NONE

(2) NONE

(3) NONE

f. Were you represented by counsel on appeal? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes. ☒ No. If yes, give the following information:

a. Result: NONE

b. Date of decision: NONE

c. Case number or citation of opinion, if known: NONE

d. Issues raised: (1) NONE

(2) NONE

(3) NONE

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

Now being appealed

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

"Per California Department of Corrections we do not use 602
Forms any longer, we must file a petition for writ of
Habeas Corpus with the Courts.

b. Did you seek the highest level of administrative review available? ☐ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☒ No. If no, skip to number 15.

13. a. (1) Name of court: NA
- (2) Nature of proceeding (for example, "habeas corpus petition"): NA
- (3) Issues raised: (a) NA
- (b) NA
- (4) Result (Attach order or explain why unavailable): NA
- (5) Date of decision: NA
- b. (1) Name of court: NA
- (2) Nature of proceeding: NA
- (3) Issues raised: (a) NA
- (b) NA
- (4) Result (Attach order or explain why unavailable): NA
- (5) Date of decision: NA

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

NA

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

NA

16. Are you presently represented by counsel? ☐ Yes ☒ No. If yes, state the attorney's name and address, if known

17. Do you have any petition, appeal, or other matter pending in any court? ☒ Yes ☐ No. If yes, explain

California Dept. of Corrections discharge my parole, 8 months later claim it was a mis-
stroke and I petitioned the courts to be discharged

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

none

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 3-30-08

[Signature]
(SIGNATURE OF PETITIONER)

UNITED STATE DISTRICT COURT OF CALIFORNIA
EASTERN DISTRICT OF CALIFORNIA

Pitition For writ of Habeas Corpus Continuance.

- 1) I was arrested on 2-7-08, For Violation of parole, on 2-28-08 ±
- 2) Appeared before the board of prison term and except 4 months Eligible
- 3) 3057 Credits. on 3-5-08, The board came and Served me Supplemental
- 4) Charges, "Thus" Violating my Due process rights to be Served all
- 5) Charges I was to answer to in 13 Business days. At which time
- 6) I refused the Additional (1) month to run Consecutive, and was
- 7) scheduled for a revocation hearing which took place on
- 8) 3-24-08, and again Violating my Due process rights to
- 9) have a Final revocation hearing on/or before the 35th u
- 10) Calendar day after the placement of the parole hold. I was taken
- 11) before the Board of prison term 46 days after the parole hold was
- 12) placed, Violating my due process rights by (11) days, Per" Valdivia V.
- 13) Schwarzenegger, (SV) policies, procedures, forms, and plans, paragraph 11,
- 14) Section (iv), on 3-24-08, I objected to the board of prison terms
- 15) revocation hearing, Based on my due process rights were being Violated.
- 16) At which time the Commissioner Mr. Chapman denied my objection
- 17) because According to Fresno Parole division I am A priority Case
- 18) and/or high Control Case. It should be noted I am NOT, High
- 19) Control nor am I A priority Case, I don't report high Control, I don't
- 20) have high Control Circumstances, I have a misdemeanor Battery
- 21) and a misdemeanor Corporal injury to Spouse, both Charges are
- 22) misdemeanor Charges. It should be noted I do not have no
- 23) Violent or Serious Charges, all my Convictions are Non Violent.
- 24)
- 25) Date 3-30-08
- 26)

Respectfully,
Leslie Hood III
Leslie Hood III

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Victoria C. Minor
Clerk of Court

Office of the Clerk
501 "I" Street
Sacramento, CA 95814

Divisional Office
2500 Tulare Street
Fresno, CA 93721

April 15, 2008

Case Number: 2:08-CV-00783-MCE-GGH

Case Title: LESLIE HOOD III, vs. CALIFORNIA DEPARTMENT OF
CORRECTIONS,

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include the complete case number on all documents sent to the court for filing in this case. Failure to do so results in delayed processing of your documents.

All matters in this action shall be sent to the following address until further notice:

Office of the Clerk
United States District Court
Eastern District of California
501 "I" Street , Suite 4-200
Sacramento, CA 95814

For timely processing of your pleadings or correspondence, please comply with our Local Rules of Court, in particular:

Local Rule 5-133 The court requires an original plus one copy of each document sent for filing. If you desire to receive a conformed copy for your records, you must send an original and two copies of your document and a pre-addressed postage-paid envelope for us to return your copy to you.

Local Rule 5-135 Once the defendant(s) have served a responsive pleading, you are under an ongoing duty to serve them with copies of all documents you submit to the court. A proof of service shall be attached to the original of any document lodged or filed with the court, showing the date, manner and place of service. A sample proof of service is attached.

Local Rule 7-130 Documents submitted to the court must be legible, on 8-½ " x 11" paper, with writing on one (1) side of the page only. Each separate document must be stapled at the top left corner and pre-punched with two (2) holes centered 2-¾" apart, ½" from the top edge of the page. Each page should be numbered consecutively at the bottom.

Local Rule 7-132 Every document submitted to the court must include your name, address and prisoner identification number in the upper left hand corner of the first page. The caption on the first page must include the title of this court, the title of the action, the case number assigned to this action (including all initials and letters that follow the number), and the title of your document. If you are pursuing more than one action in this court, you must submit a separate original document and the appropriate number of copies for each action in which you want the document filed.

Local Rule 6-142 A request for extension of time must state the reason an extension is needed. A request for extension of time should be filed before the deadline in question.

Local Rules 30-250, 33-250, 34-250 and 36-250 Discovery requests or responses should not be submitted to the court unless they are relevant and necessary to support or oppose a motion at issue before the court.

Local Rule 83-182 Each party appearing in propria persona is under a continuing duty to notify the Clerk and all other parties of any change of address.

Other Provisions:

Request for Case Status The court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRES REGARDING THE STATUS OF YOUR CASE. As long as you keep the court apprised of your current address, you will receive all court decisions which might affect the status of your case.

Copy Work The Clerk's Office does not provide copies of documents to parties. Copies of documents may be obtained from Attorney's Diversified Service (ADS) by writing to them at: 1424 21st Street, Sacramento, CA 95814, or by phoning 916-441-4396 or 916-441-4466. The court will provide copies of docket sheets at \$0.50 per page. **Note: In Forma Pauperis** status does not include the cost of copies.

Victoria C. Minor
Clerk of Court
United States District Court

by: /s/ K. Engbretson
Deputy Clerk

The following is a sample Proof of Service. Pursuant to Rule 5 of the F.R.Cv.P. and Local Rule 5-135, each document filed after the court orders service in your case shall be served on opposing counsel and a proof of service attached to your document filed with the court.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

(Case Title) _____

Plaintiff or Petitioner

V.

Case Number: 2:99-CV-99999 ABC DFG
(example case no.)

Defendant or Respondent

SAMPLE PROOF OF SERVICE

I hereby certify that on (Date) _____, I served a copy
of the attached (Title of Document Served and Filed) _____
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the United States Mail at (Location of Mailing) _____:

(List Name and Address of Each Defendant or Attorney Served)

I declare under penalty of perjury that the foregoing is true and correct.

(Name of Person Completing Service)

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE
TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 73-305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case dispositive jurisdiction and to conduct any or all case despositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent to pursuant to 28 U.S.C. § 636(c) the assigned Magistrate Judge will hear all motions except those case dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at www.caed.uscourts.gov for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk
501 I Street, Room 4-200
Sacramento, CA 95814

Office of the Clerk
2500 Tulare Street , Suite 1501
Fresno, CA 93721

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LESLIE HOOD III,
Plaintiff(s)/Petitioner(s),

vs.

CASE NO. 2:08-CV-00783-MCE-GGH

CALIFORNIA DEPARTMENT OF CORRECTIONS,
Defendant(s)/Respondents(s).

IMPORTANT
IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.

☐ **CONSENT TO JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: _____ Signature: _____

Print Name: _____
() Plaintiff/Petitioner () Defendant/Respondent
() Counsel for * _____

☐ **DECLINE OF JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: _____ Signature: _____

Print Name: _____
() Plaintiff/Petitioner () Defendant/Respondent
() Counsel for * _____

**If representing more than one party, counsel must indicate name of each party responding.*

Leslie Hood III
CDC# F88832

4-8-08

ATTN: United States District Court Clerk of Eastern
District of California.

08-CV-783 MCEGGH P

My name is Leslie Hood III CDC# F88832.
I filed a writ of Habeas corpus in the United
States District Court, Eastern District of California
I filed it on/or about 3-31-08. On the writ I
was to inform the Court of any change of
Address, I was being housed in the Monterey
County Jail however my Address has changed
and this letter is to inform the Courts of my
New Address. My New Address is.

Leslie Hood III CDC# F88832

FILED

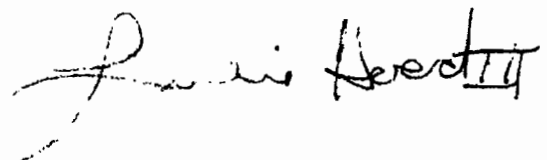
APR 18 2008

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY dup DEPUTY CLERK

San Quentin State Prison
San Quentin CA. 94974
West Block 3-W-31

Respectfully

Leslie Hood III

4-8-08

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
501 I STREET, SUITE 4-200
SACRAMENTO, CA 95814-2322

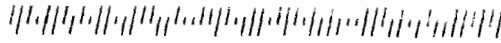
OFFICIAL BUSINESS

049J82023891

\$01.31⁰

Mailed From 95814

US POST[®]



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MAY 2 9 2008

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